

Application No.: 10/598,604

Docket No.: JCLA16171

REMARKS**Present Status of the Application**

Claims 1-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (EP 1 364 585 A1).

In response thereto, Applicants have further amended claim 1, canceled claims 2-3 & 5, added new claim 7 and submitted the following remarks. Reconsideration of claims 1, 4 & 6 and consideration of new claim 7 are respectfully requested.

Discussion of Claim Amendments

The amendments to claim 1 include inclusion of canceled claims 2-3 & 5 and other limitations, wherein the way of obtaining acid-soluble soybean protein can be supported by [0014]-[0017] of the specification, the limitation of adding the calcium mineral(s) after the acid-soluble soybean protein is obtained can be supported by Examples 1-5, and the limitation to the amount of calcium in the acidic food or drink can be supported by [0027]. New claim 7 can be supported by [0035], line 2.

Discussion of Rejections under 35 U.S.C. 103(a)

Features of amended claim 1 include that 1) the calcium mineral(s) is entirely added after the acid-soluble soybean protein is obtained and 2) the amount of calcium coming from the mineral added is 100-250 mg per 100g of the acidic food or drink. As compared with Saito, the above feature 1 as a process limitation allows a remarkably larger amount (100-250 mg/100g) of calcium to be added without causing aggregation, thus constituting a property limitation to the acidic food or drink that should be consider as a feature of the composition-type claim 1.

More specifically, in the acid-soluble soybean protein product of Example 3 of Saito, calaium ion takes 1.35 wt% of the solid content. If the protein product is used to prepare an acidic food or drink as in Example 4 of this application, i.e., if *40 weight parts of the protein product, 100 weight parts of fructose and 800 weight parts of water is mixed and then 94 weight parts of the resulting solution was taken out and added with water to have 100 weight parts*, the amount of calcium in the resulting acidic food or drink would be merely 54 mg/100g, which is remarkably less than that (62-267 mg/100g) in the test sample of Example 4 of this application.

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Moreover, it is non-obvious to increase the amount of calcium ion in Saito's acid-soluble soybean protein product to satisfy the claimed range of 100-250 mg/100g, at least because the calcium ion added in Saito's procedure is for deactivating the polyanionic materials coming from the raw protein in the solution containing soybean protein and cannot be arbitrarily much increased ($100/54 \approx 2$) in the addition amount in consideration of the aggregation issue.

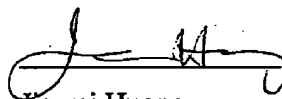
For at least the above reasons, Applicants submit that amended claim 1 and claims 4, 6 & 7 dependent therefrom all patently define over the prior art.

CONCLUSION

For at least the foregoing reasons, it is believed that claims 1, 4, 6 & 7 of this application are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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